



U.S. Department of Justice

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August 13, 2024

Hon. R. Barclay Surrick
Senior United States District Judge
8614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: Order declaring waiver of attorney-client privilege as to 2255 petition in *U.S. v. Kaboni Savage*, #07-550.

Dear Judge Surrick,

Most respectfully, 286 days have now elapsed since the government filed its simple motion for an order declaring the attorney-client privilege to be waived, as to the ineffective assistance of counsel allegations made by Kaboni Savage in his 2255 petition (Dk. #1755). This order is absolutely essential for this matter to proceed, as defense trial counsel will not speak to me or inform me as to the merits, or lack of merits, of the allegations Savage made against them, without an order.

Put simply, I need to respond to this 15-month-old petition regarding this 11-year-old conviction and sentence, but I cannot factually respond to the merits of this petition without first interviewing trial counsel. The lack of an order is currently the only thing preventing me from filing the government's response.

Despite the fact that Savage has clearly waived his privilege, and the Supreme Court case law clearly calls for this order, counsel for Savage filed a response opposing that motion, and has essentially threatened trial counsel with ethics violations if they speak to me without an order. Their grounds for opposing the government's motion are frivolous, and appear to be part of their long-standing strategy of delay.

This is the third letter I have written the Court seeking a resolution of this issue, since my filing of November 2, 2023. I apologize for troubling the Court with this matter, but I need to move this matter forward. Thus, I respectfully seek an Order regarding our motion. Thank you for your consideration of this matter.

JACQUELINE C. ROMERO
United States Attorney

David E. Troyer
Assistant United States Attorney
Chief, Narcotics & Organized Crime

cc: Defense counsel